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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,) No. CR-08 00357 SBA
12)
Plaintiff,) **SENTENCING MEMORANDUM**
13)
vs.) **Sentencing Date: July 15, 2008**
14) **Time: 10:00 a.m.**
ROBERTO VASQUEZ RAMOS,)
15)
Defendant.)
16 _____)

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18 On January 15, 2008, Roberto Vasquez Ramos will stand before the Court prepared to
19 enter a plea to a single count of illegal re-entry by an alien following deportation. The parties
20 have submitted a Rule 11(c)(1)(C) plea agreement that recommends a sentence within the
21 applicable sentencing range. Mr. Vasquez Ramos agrees with the probation officer's
22 calculations, and submits this brief memorandum to request that the Court sentence him to two
23 months.¹

24 _____
25 ¹ Because Mr. Vasquez Ramos has a minor criminal history and the parties are
26 requesting the Court to impose a sentence within the applicable guidelines range, he does not feel
it necessary to discuss the Supreme Court's recent pronouncements on the relationship between
the guidelines and this Court's sentencing discretion.

1 Mr. Vasquez Ramos first appeared in federal court on May 19, 2008, and has remained in
2 custody since that time. Since the day of his initial appearance, Mr. Vasquez Ramos has been
3 prepared to accept the consequences of his actions. He has chosen not to contest the legality of
4 his prior deportation or otherwise interpose a defense to the present charge.

5 His criminal history is minor. He has sustained tow misdemeanor convictions, one for
6 battery and the other for driving on a suspended license. The most time he has served in custody
7 is five days in the county jail.

8 There is nothing egregious or unusual about Mr. Vasquez Ramos or this case that might
9 merit a sentence above the recommended sentence, which is within the applicable guidelines
10 range.

11 For the reasons stated, Roberto Vasquez Ramos respectfully requests that the Court
12 sentence him to two months.²

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14 Dated: July 10, 2008

15 Respectfully submitted,

16 BARRY J. PORTMAN
17 Federal Public Defender

18 /S/

19 JEROME E. MATTHEWS
20 Assistant Federal Public Defender

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² The parties' plea agreement specifies alternative sentences of two months from
26 May 19, 2008, or time served, whichever is longer. A two-month sentence with a start date of
May 19, 2008, is the longer sentence.